

FITZPATRICK, CELLA, HARPER & SCINTO

650 Town Center Drive
Suite 1600
Costa Mesa, California 92626-7130
(714)540-8700

RECEIVED
CENTRAL FAX CENTER

AUG 07 2006

Facsimile:(714)540-9823

FACSIMILE COVER SHEET

TO: Examiner Bradley L. Sisson
U. S. Patent & Trademark Office
Group Art Unit 1634

FROM: Damond E. Vadnais, Reg. No. 52,310

RE: U.S. Application No. 10/770,458
Atty. Docket No.: 03500.017889.

FAX NO.: (571) 273-8300

DATE: August 7, 2006

NO. OF PAGES: 3
(including cover page)

TIME: 5:28 P.M.

SENT BY: LS

MESSAGE

Attachment:

Response to Restriction Requirement

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:

August 7, 2006
Date

Signature

Damond E. Vadnais, Reg. No. 52,310
Name of person signing certificate

Note: We are transmitting from a Canon Model FAX-L770
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

BEST AVAILABLE COPY

AUG 07 2006

03500.017889.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Bradley L. Sisson
YOSHIKATSU OKADA)	
	:	Group Art Unit: 1634
Application No.: 10/770,458)	
	:	
Filed: February 4, 2004)	
	:	
For: PROBE MEDIUM AND)	
METHOD OF PRODUCING	:	
THE SAME)	August 7, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated July 10, 2005, Applicant provisionally elects to prosecute the Group I claims, namely Claims 1 to 9. The restriction requirement is, however, traversed.

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:

August 7, 2006

Date

Signature

Damond E. Vadnais, Reg. No. 52,310

Name of person signing certificate

BEST AVAILABLE COPY

Traversal is on the ground that there would not be undue burden in examining the four groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I through IV in a single application, since the four groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

If the restriction requirement is maintained, rejoinder of non-elected process Claim 13 is respectfully requested upon the allowance of product Claim 1, pursuant to MPEP § 821.04(b).

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Diamond E. Vadnais
Attorney for Applicant
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 117359v1